

12-17-99

D. J. [Signature]
12/21/99
(rev. 11/98)

**CONTINUING PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.

CHECK BOX, if applicable

☐ DUPLICATE

Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No.

20111-0014

Named Inventor(s)

Yoshihiko Higuchi
Kenji Yamamoto
Michio Naka

Examiner Name

Lyle A. Alexander

Group/Art Unit

1743

Express Mail Label No.

EL397834048US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number **08/959,125** filed on
October 28, 1997 entitled **Dry Measuring Test Device**

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P. NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in this file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1. ☒ Enter the unentered amendment previously filed on October 15, 1999 under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ _____ Copies of IDS Citations

12/20/1999 DVUONG 00000073 08959125

01 FC:131

760.00 DP

CLAIMS	FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
	TOTAL CLAIMS	5 - 20* =	0	x \$18 =	\$ 0
	INDEPENDENT CLAIMS	5 - 3** =	1	x \$78 =	0
	MULTIPLE DEPENDENT CLAIMS (if applicable)			+ \$260 =	
				BASIC FEE	\$ 7 6 0
	Total of above Calculations =				
	Reduction by 50% for filing by small entity				
	*Reissue claims in excess of 20 and over original patent.			TOTAL =	\$ 7 6 0
	**Reissue independent claims over original patent.				

6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.
b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
c. ☐ Is no longer claimed.

7. ☒ A check in the amount of \$760 is enclosed.

8. ☒ [ONLY if 7. applies] The Commissioner is hereby authorized to credit overpayments or charge any additional fees under 37 CFR 1.16 or 1.17 to Deposit Account No. 10-1215.

9. a. ☐ Receipt for Facsimile Transmitted CPA
b. ☒ Return Receipt Postcard (Should be specifically itemized)

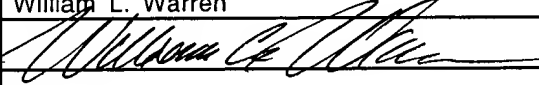
10. ☐ Other: _____

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

10. NEW CORRESPONDENCE ADDRESS

Name				
Address				
City	State	Zip Code		
Country	Telephone	Facsimile		

11. SIGNATURE OF APPLICANT OR ATTORNEY REQUIRED

Name	William L. Warren
Signature	
Registration No.	36,714
Date	December 16, 1999

RECEIVED
DEC 20 1999
TC 1700 MAIL ROOM